IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 532 OF 2006

GANGADHAR NARSINGDAS AGRAWAL, ...Petitioner

Versus

CHIEF OFFICER CURCHOREM -CACORA MUNICIPAL COUNCIL AND ANR ....Respondents

Shri A.F. Diniz, for the Petitioner.

Shri N.K. Sawaikar For R-1
Mrs. W. Coutinho for R.2.

Coram:- J. N. PATEL, J.

Date:- 29th November, 2006

P.C.:

The petitioner has moved this Court challenging the Order dated 17th October, 2006 passed by Respondent No.1 thereby directing the petitioner that he shall not carry out any illegal dumping/loading activities as prohibited under the Trade & Occupation Licensing Byelaws, 1989.

The main contention of the petitioner is that he was never given an opportunity of hearing before the said Order came to be passed. It is submitted that this fact is evident from the plain reading of the Order itself.

It appears that a communication was sent to the petitioner to respond in the matter on 10.10.06 at 3.00 p.m., but as the petitioner did not appear before the authority, respondent/Chief Officer of the Municipal Council states that the Municipal Council would give the petitioner an opportunity of hearing, by issuing a show cause notice.

This whole controversy arises from the complaint made by the

residents of the area, particularly Ward No.8 who are represented by a committee known as Baagwada Shirfod Nagrik Sameeti to the Chief Officer of the Municipal Council for stopping all illegal dumping and unloading at Agarwal Jetty, Baagwada, Curchorem and at old holdarkars house. Therefore, it is made clear that the Chief Officer would also give an opportunity of hearing to the complainant in the matter and then pass appropriate order in accordance with law within thirty days from the date of service of show cause notice on the petitioner. As the subject matter pertains to air pollution, the Chief Officer would also insist upon the petitioner to obtain NOC from the State Pollution Control Board. It is further stated that the show cause notice would be served within a week's time.

In view of this statement made on behalf of the respondent/Chief Officer of Municipal Council the impugned Order dated 17th October, 2006 is quashed and set aside. The parties are directed to act upon the statement made by the learned counsel for the respondent/Municipal Council on seeking isntructions of the Chief Officer, who is personally present in Court. The said statement made by the Municipal Council is accepted as an undertaking to this Court.

Petition stands disposed of accordingly. In view of the aforesaid order, the application for intervention does not survive.

Authenticated copy be furnished to the respondent No.1.

J. N. PATEL, J.

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